S.B. CIVIL WRIT PETITION NO.3907/95.
(STATE VS. SEWA RAM & ANR.)

DATE OF ORDER : 23.04.2007.

**HON'BLE MR. GOVIND MATHUR, J.**

Mr. Shyam Ladrecha, AGA, for the petitioner.

By this petition for writ, a challenge is given to the award dated 31.03.94 passed by Labour Court, Jodhpur in Labour Case No.34/1989.

In brief, facts of the case are that on 01.01.88, the petitioner employer terminated the respondent workman from service without seeking approval as prescribed under Section 33 read with Section 33A of the Industrial Disputes Act, 1947. The Labour Court by the award impugned held that the workman was working with the employer in regular cadre and not on any project under famine relief. The Labour Court on basis of the finding above held that the approval as prescribed under Section 33 read with Section 33A of the Act of 1947 was essential for terminating the workman.

It is stated by learned counsel for the petitioner employer that the Labour Court erred while holding that the workman was working on regular cadre and not on project under famine relief work.

I do not find any substance in the contention so raised as the finding given by the Labour Court is based on sound appreciation of facts and the evidence available on record. It is not in dispute that the workman at the relevant time was under consideration for grant of Semi Permanent Status. If the workman was employed with the Employer under famine relief work, then there was no question of his consideration of grant of Semi Permanent Status. I do not find any error in the award impugned that may warrant interference by this Court under its extraordinary jurisdiction.

Accordingly, this petition for writ is having no merit and the same is dismissed.

**(GOVIND MATHUR)J.**

Anil/